

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: : CASE NO. 17-13071
DAWN K. WARMAN : CHAPTER 13

DEBTOR(S) : JUDGE BETH A. BUCHANAN

: **TRUSTEE'S RESPONSE TO MOTION TO
ALLOW DISBURSEMENT OF ATTORNEY
FEES (DOC. 68) AND REQUEST FOR
HEARING ON MAY 16, 2019 AT 2:00
P.M.**

Comes now the Chapter 13 Trustee, Margaret A. Burks, and files the following Response to the Motion to Allow Disbursement of Attorney Fees (Doc. 68) filed by debtor's counsel. This Motion refers to a fee application approved pre-confirmation by an Order of October 17, 2018 (Doc. 55) awarding debtor's total application of \$4,592.50, of which \$2,092.50 was to be disbursed by the Trustee.

The Trustee is currently holding \$15,258.90 (after fees on receipt).

Debtor has withdrawn her opposition to the pending Motion to Dismiss, which is likely to lead to dismissal of debtor's case before the Motion to Allow Disbursement is ripe.

Creditor U.S. Bank, National Association, as Trustee has pending a Motion for Adequate Protection Or In The Alternative for Relief from the Automatic Stay and Co-Debtor Stay (Doc. 64). This Motion requests disbursement of all funds on hand to U.S. Bank as adequate protection. This Motion is currently scheduled for hearing on May 16, 2019 at 2:00 p.m.

Debtor's counsel has also filed an additional fee application (Doc. 69) seeking an additional \$935.00 from available proceeds. The Trustee does not object to these additional fees, but notes that if granted they would further conflict with the relief sought by U.S. Bank.

Wherefore, the Trustee prays that counsel's Motion be set for hearing at the same time as U.S. Bank's Motion so that all issues regarding disposition of the \$15,259.90 on hand be considered together, whether or not the above captioned case is dismissed in the meantime.

Respectfully submitted,

/s/ Margaret A. Burks, Esq.
Margaret A. Burks, Esq.
Chapter 13 Trustee
Attorney Reg. No. OH 0030377

Francis J. DiCesare, Esq.
Staff Attorney
Attorney Reg. No. OH 0038798

Tammy E. Stickley, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response was served **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and

by **ordinary U.S.** Mail April 16, 2019 addressed to:

Dawn K. Warman
Debtor address
7724 Hunters Trail
West Chester, Ohio 45069

/s/ Margaret A. Burks
Margaret A. Burks